

## MINUTES OF THE REGULAR MEETING OF THE FORT ANN TOWN BOARD HELD DECEMBER 8, 2014

PRESENT: Supervisor Darlene Dumas  
Councilwoman Gretchen Stark  
Councilman Floyd Varney  
Councilman Howard Denison  
Councilwoman Deborah Witherell

OTHERS PRESENT: Jeff Meyer, Town Attorney, Helen Denno, Confidential Secretary to the Supervisor, Barbara Winchell, Town Clerk, Paul Winchell, Highway Superintendent, Mark Miller, Enforcement Officer, Richard Moore, Dave Dumas, Denny Fletcher, Christine Milligan, Gene Ouderkirk, Dale Grinnell, Mary Davis, George Sherwood

Supervisor Dumas welcomed everyone to tonite's meeting and wished everyone Happy Holidays!

Supervisor Dumas called the meeting to order at 7:01 p.m. with the pledge of allegiance and a moment of silence was held for Fort Ann deceased residents.

Motion was introduced by Councilwoman Stark, seconded by Councilwoman Witherell, to accept the Regular Meeting Minutes of November 10, 2014.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Denison, to accept the Special Meeting Minutes of November 14, 2014.

Motion was introduced by Councilwoman Witherell, seconded by Councilman Varney, to pay the bills as warranted and audited.

Supervisor's Report: Supervisor Dumas reminded everyone of her blogs on the town website and read her December blog. The snow is falling, the temperatures have dropped and it already feels like winter. The stores are full of shoppers, holiday parties have begun and children are eagerly awaiting the arrival of Santa. No doubt about it: the holidays are upon us.

Winter also brings challenging road conditions. Our highway department does a great job with the roads but a winter storm can quickly make all of the roads slippery at best. Winter road conditions, holiday parties, alcohol all call for a lot of good judgment so please drive safely. She wished everyone and their families the happiest of holidays. Happy Hanukka, Merry Christmas and Happy New Year!

A Bit of Town Business... The 2015 Fort Ann Town Budget was adopted at the special Town Board meeting in November. A copy of the adopted budget is available on the website.

The budget that was adopted was slightly different than the preliminary budget that was posted on the website a couple of months ago. As noted before, it was very important to come in under the NY tax cap, which was 1.56% this year. The Town has come under the tax cap each year that Supervisor Dumas has been supervisor. She was able to budget an additional \$5,000.00 for the West Fort Ann Fire Company, the Fort Ann Fire Company and the Fort Ann Rescue Squad. She was able to budget \$1,500.00 for the removal of one of the street lights on Goodman Road that the Town has been paying for. These appropriations added \$16,500.00 to the amount to be raised by taxes. She also added \$20,000.00 to the unexpended balance line, which lowers the amount to be raised by taxes, so the net

difference from the preliminary to the adopted budget was a \$3,500.00 decrease in the amount to be raised by taxes. She stated it is not a big number but whenever we can save the taxpayers money, it's a good thing.

The Town's business has essentially been completed for the year. She is hoping tonite's Town Board meeting will be short and pretty much uneventful. The next Town Board meeting will be January 12, 2015.

Supervisor Dumas announced she had signed an agreement for the Town Hall to have a new phone system that will have an auto attendant with an approximate annual savings of \$3,500.00 to the town. This new phone system with Cornerstone will allow more than one person to be on the phone at a time and allow voicemail. The current phone system is very antiquated.

She stated health insurance may be going up a little bit but is not sure of the actual price. The vision plan was \$2,000.00 annually and will be decreasing to \$1,000.00 annually. So hopefully everything will equal out.

The Bookkeeper advised Supervisor Dumas that approximately \$3,000.00 has been spent on Blossom Farm Cemetery from February 2014 to present and most of this expense represents attorney fees.

Supervisor Dumas stated she received a letter from Deb Camarota, representing Friends of Blossom Cemetery, LLC, which describes Memorial Cemetery Plans. Supervisor Dumas stated she wouldn't read the entire letter and really wasn't quite sure what Deb Camarota was looking for from the Town of Fort Ann. She summarized the letter as follows: The plans include creating a "garden" effect within the fenced in area of Blossom Farm Cemetery; the garden area will be separated by a natural divider such as stone or wood; will be a walkway leading to a flag pole with a solar light on top; obtain VA markers for every Veteran known to be buried in Blossom Farm Cemetery; the markers will be vertical, granite markers; asking for volunteers and installing a regulation cemetery sign along Route 22. The last paragraph of the letter states "It is our goal to continue to raise funds to pay for restoration, flag pole and sign through the sales of cookbooks and memorial bricks. Once the cemetery is town owned land, we will request that we be allowed to sell cookbooks/bricks at the town hall".

Supervisor Dumas also received and read a letter from Paul Milligan, Tsgt, USAF, Ret. "Having followed the Blossom Cemetery ordeal since its inception, and with an insight into the Cemetery Committee, I have decided to weigh in on the subject, which was no easy task.

I do not agree with the finding and or the recommendations of the committee. The "compromises" seem to be one sided and not for the "Good of the Town". I also believe that there is some, *unknown type of personal gain*, trying to be accomplished by a member of this board.

The "cemetery" has been used as a cattle pen and a herding area for many decades, over the objections of locals in the area. These complaints continued after the Wilson family took over the farm land, and created a race track around the cemetery in the 1950's.

The damage done by both man and beast, plus the ravages of time, this cemetery has been all but lost to history. The area is no longer recognizable as a cemetery, minus a few stones and bases.

Enter the Friends of Blossom Cemetery (FoBC). Initially, the work to recover the cemetery location and what was left of the headstones was and is a good idea as far as a **public cemetery** goes.

**But**, the FoBC have decided to create a memorial to only their family members, (No proof provided), that was owned and buried there.

As you are aware of, the FoBC through bullying and intimidation in the form of police action, have entered into a forced agreement with the Wilson family to lease a very small lot that does not encompass the entire, historically documented area of the cemetery, and wants the Town of Fort Ann to maintain the said lot.

With that being said, I do not agree with the demands and restrictions placed on the Town and its residents for maintenance and access to this area. It is the legal opinions that the land has been lost as a cemetery, by the continued use of the Wilson's farming practices.

It is therefore my opinion that the Town should not engage into any agreement with the FoBC, Wilson's Farm or any other entity that has a stake in this matter by placing a financial burden or fiscal responsibility of any type on the Town and its residents.

By keeping the said area on the Tax Rolls and with the FoBC's lease agreement with the Wilson's farm, I believe that all parties involved in this situation would be better off with this status quo.

As a resident and property owner in the Town of Fort Ann, I find it disturbing that the Town would entertain the above parties' restrictions, demands, and burdens placed on its citizens by non-residents".

Supervisor Dumas stated she is of the opinion that Deb Camarota's intentions are probably good but the Town of Fort Ann has already spent \$3,000.00 on this and haven't accomplished anything. She is suggesting to stop pursuing this at this time and to table this until Spring because nothing can be done until Spring anyway. Councilman Varney agreed to table this because he has a couple of concerns. The first being the suggestion of volunteering and what happens when that doesn't work and the second being any more spending of the town money. Councilwoman Witherell stated she doesn't see any harm in tabling until Spring and is of the opinion that Deb Camarota seems to have forgotten there's a cemetery committee and she's not the committee.

Councilman Denison stated the cemetery committee doesn't agree with Deb Camarota's ideas for Blossom Farm and is done dealing with Deb Camarota. Councilman Denison stated the town has tried to play nice and \$3,000.00 later it hasn't gotten us anywhere.

Councilman Varney stated there are other cemeteries in Fort Ann so even with tabling the discussion on Blossom Farm doesn't mean the cemetery committee wouldn't still meet.

Supervisor Dumas stated her thought was to have a curved gate with a nice sign listing as many names as possible of the people that are buried there.

Christine Milligan stated a cemetery cannot be leased or a profit made. She handed an email to Supervisor Dumas dated today's date from Deb Camarota to Councilman Denison.

Supervisor Dumas asked if the agreement between Deb Camarota and Mr. Wilson is even legal.

Mr. Ouderkirk asked what legal basis does the town have? If Deb Camarota has an agreement with Mr. Wilson.

Attorney Meyer stated there is still a question of whether or not Mr. Wilson even owns the cemetery. The Town can declare owning it as historic or public. He also reminded the Town Board that when scheduling a meeting with Mr. Wilson to have the meeting before the planting of corn.

Mr. Moore suggested scheduling a separate meeting with all parties including Mr. Wilson and the Town Attorney. The meeting should have a very structured agenda for this cemetery topic only. This would give both sides a chance to say what they have to say and then make your proclamation rather than spending every Town Board meeting discussing this subject.

Councilman Denison stated the Town Board needs to take a stand, set time frames and actually know what we are going to do before the meeting takes place. There has never been any confusion about this being a cemetery. The confusion is what the cemetery boundaries are.

Mr. Sherwood stated it is documented that in the 1790's Captain Dewey set aside this property as a burial ground when he owned the property to bury his wife and daughter. Mr. Sherwood also stated this is a public cemetery.

Supervisor Dumas thanked Mr. Moore for the idea of setting a meeting.

Christine Milligan stated that the Town Board has the backing of the historical society and the American Legion to resolve this. She also stated that in 1976 Blossom Farm was declared a public cemetery and the Town Historian should have this information.

The Town Attorney requested that he be provided with a copy of this information.

Supervisor Dumas stated that per the Town Historian's request at the November Town Board Meeting she did ask fourteen (14) or fifteen (15) of the other Town Supervisor's at a recent Washington County meeting how cemeteries are handled in their towns and nobody wanted to talk about cemeteries.

The monthly statement to supervisor is available on the Town's website, townoffortann.com. A paper copy is available upon request.

Town Clerk's Report: Was given for the month of November 2014.

Public comment was opened at 8:04 p.m. and with no comments it was closed at 8:05 p.m.

Highway Superintendent's Report: The Highway Superintendent reported that there is a winter storm predicted for 12/9/14 and the highway department trucks are ready. He asked for approval to go out to bid to purchase a truck with a dump box and plow. He would get three (3) quotes and doesn't expect the truck to be here until February or March. There is \$45,000.00 budgeted for this purchase.

#### **Resolution 75-14**

#### **AUTHORIZE THE HIGHWAY SUPERINTENDENT TO ACCEPT BIDS ON A 2015 OR NEWER 4WD CAB AND CHASSIS**

On motion of Councilwoman Witherell, seconded by Councilman Denison, the following resolution was

ADOPTED –VOTE -

Ayes 5 Varney, Witherell, Dumas, Denison, Stark

Nays 0

**IT IS RESOLVED**, to authorize the Highway Superintendent to accept bids on a 2015 or newer 4WD cab and chassis.

Councilwoman Stark reported that there will be a December 18, 2014 meeting regarding the January 10, 2015 ice fishing derby on Hadlock Pond. She also had a booklet of information from the Washington County Office for the Aging and Disability Resource Center (ADRC) which is now on the town bulletin board and the Town Clerk has copies for anyone interested. The ADRC is committed to Service, Education and Advocacy to meet the needs of Washington County's Older Adults.

Councilman Varney is looking for the Enforcement Officer to follow-up with Mr. Wilkins on an abandoned building on Pillar Way. The Enforcement Officer stated he would follow-up with Mr. Wilkins by phone.

Councilwoman Witherell distributed a DRAFT copy of the Emergency Preparedness Plan and reported that the Emergency Preparedness Committee is back on track again and there is a meeting scheduled for December 10, 2014 at the Town Hall provided the weather is not too bad.

Councilman Denison stated he'd like to look at the list of items previously prepared and prioritize the list. Councilman Denison clarified that Supervisor Dumas signed the new phone contract without Town Board approval and she confirmed.

Enforcement Officer Report: Was given for the month of November 2014.

Town Historian Report: The Town Historian was not in attendance at tonite's meeting but Christine Milligan updated the Town Board on the Heritage Center. The Eagle Scouts will mount the pexiglass sign in front of the library by the sidewalk hopefully by September.

Public Discussion was opened at 8:25 p.m. Mr. Moore stated that the Lake Hadlock Park District is owned by the Town of Fort Ann and the five (5) town board members are the board for the Lake Hadlock Park District. Mr. Moore asked how many times has the Town Board met over the last year to discuss the Lake Hadlock Park District issues? Supervisor Dumas responded that they've never met at all to just discuss Lake Hadlock Park District that Lake Hadlock issues have been discussed at Town Board meetings. Mr. Moore asked Supervisor Dumas in the three (3) years that she has been the Town of Fort Ann Supervisor how many times has there been any formal meetings regarding the Lake Hadlock Park District? Supervisor Dumas responded she can't think of any formal meetings taking place about just Lake Hadlock Park District.

Mr. Moore reminded Councilman Varney that six (6) months ago he introduced some sort of resolution and it was stated at that time you were waiting for a decision from Judge Krogmann. Mr. Moore then brought up that three (3) months ago when he asked specifically what that decision was that he was waiting for and Councilman Varney stated that the judge has everything. Mr. Moore had asked what specifically the decision was and having Councilman Varney state the judge has everything doesn't answer the question. Mr. Moore asked Councilman Varney what that meant. Mr. Moore asked Councilman Varney how many motions are currently before Judge Krogmann and Councilman Varney stated he has no idea. Mr. Moore then directed that question to Attorney Meyer who stated it's his

understanding that there are three (3) pending Hadlock cases. Mr. Moore then asked Councilman Varney if has ever read the declaratory summary judgment or the summary judgment. Councilman Varney responded he hasn't. Mr. Moore then asked Councilman Varney if he knew how many years ago they were filed with Judge Krogmann and Councilman Varney answered no. Mr. Moore asked how can this board represent Lake Hadlock Park District and make the rules but not know what the issues are.

Mr. Dale Grinnell stated he feels the Town Board has accomplished a lot with regards to cemeteries.

Public Discussion was declared closed at 8:30 p.m.

Motion was made by Councilwoman Witherell and seconded by Councilman Varney to adjourn meeting at 8:35 p.m.

Total Abstracts:           General \$ 9,659.73  
                                      Highway \$14,729.00

Respectfully submitted,

Barbara J. Winchell, Town Clerk  
Dated: December 17, 2014